

## **EXHIBIT A**

Amy Strauss  
650 Cortez Road  
Jefferson Twp., PA 18436

Plaintiff

v.

Midland Credit Management, Inc.  
350 Camino De La Reina, Suite 100  
San Diego, CA 92108

Defendant

Court of Common Pleas of Lackawanna  
County – Civil Action

Case No. 21-CV-305

Jury Trial Demanded

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

Northeastern Pennsylvania Legal Services  
33 North Main Street, Suite 200  
Pittston, PA 18640  
Telephone (570) 299-4100

Amy Strauss, v.	Plaintiff	Court of Common Pleas of Lackawanna County – Civil Action
Midland Credit Management, Inc., Defendant		Case No. ____-CV-_____ Jury Trial Demanded

**COMPLAINT**

**I. Introduction**

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

**II. Jurisdiction**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

**III. Parties**

4. Plaintiff, Amy Strauss, is a natural person residing at 650 Cortez Road, Jefferson Twp., PA 18436.

5. Defendant, Midland Credit Management, Inc., (“MCM”) is a corporation with a place of business located at 350 Camino De La Reina, Suite 100, San Diego, CA 92108.

6. MCM uses the mail in its business.

7. The principal purpose of MCM's business is the collection of debts.

8. MCM has reason to believe that a non-trivial portion of the accounts that it collects are for obligations for which the money, property, insurance or services which were the subjects of the transactions were primarily for personal, family, or household purposes.

9. MCM has reason to believe that it is probably true that the principal purpose of its business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5).

10. The principal purpose of MCM's business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5).

11. MCM regularly attempts to collect debts asserted to be due to another. The term "debt" is used in this allegation as that term is defined by 15 U.S.C. § 1692a(5).

12. MCM's website says, inter alia, "Midland Credit Management (MCM) is a debt collector that services accounts owned by Midland Funding. However, MCM also purchases and owns some of the accounts it services. "  
<https://www.midlandcredit.com/help-center/faqs/>. Last visited on 12/18/20.

#### IV. Statement of Claim

13. Within the past year MCM was attempting to collect from Plaintiff an account that Plaintiff allegedly owed to Midland Credit Management, Inc. ("the Account").

14. The Account is a "debt" as that term is defined by the Act, 15 U.S.C.

§ 1692a(5).

15. While attempting to collect the Account, MCM was acting as a “debt collector” defined by the Act, 15 U.S.C. § 1692a(6).

16. MCM regularly uses the mail to attempt to collect consumer debts alleged to be due another.

17. On or about March 4, 2020, MCM caused to be mailed a letter addressed to Plaintiff.

18. A true and correct copy of the letter is attached as Exhibit A. (Redacted to ensure financial privacy).

19. The letter stated, *inter alia*: “Current Balance \$7,022.40”.

20. The letter also stated: “Congratulations! You have been pre-approved for a discount program designed to save you money.”

21. The above statement was followed by three payment options:

Option 1*:	10% off	You Pay Only
Payment Due Date:	3/24/2020	\$6,320.16
Option 2**:	5% off	6 Monthly Payments of Only
First Payment Due Date:	3/24/2020	\$1,111.88
Option 3:	Monthly Payments As Low As	\$50 per month
Call today to discuss your options and get more details.		

22. The above three options lead the Plaintiff and the least sophisticated consumer to believe that by accepting one of the three options that she would be receiving a discount on the current balance.

23. It is believed that if Plaintiff were to accept option 3, she would not receive a discount on the balance.

24. Therefore, the implication that option 3 would result in a discount was false, deceptive and misleading.

25. Defendant violated the Act, 15 U.S.C. § 1692e.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

Respectfully Submitted,



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Brett M. Freeman  
Bar Number PA 308834  
Attorney for Plaintiff  
Sabatini Freeman, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000

Certification of Compliance

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



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Brett M. Freeman

Verification by Plaintiff Amy Strauss

I affirm that the averments of fact contained in this pleading are true upon my personal knowledge or information and belief.

Amy  
Amy Strauss

Exhibit A

(Letter dated 3/4/2020)

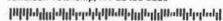
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3/4/2020

Amy Strauss  
650 Cortez Rd  
Jefferson Township, PA 18436-3810

P4 T62 021



Original Creditor	CAPITAL ONE BANK (USA), N.A.
Original Account Number	XXXXXXXXXXXX
MCM Account Number	
Current Balance	\$7,022.40

You are pre-approved for a 10% discount!  
Reply now [MidlandCredit.com](http://MidlandCredit.com)  
or call 877-898-5125 by 3/24/2020

#### Choose The Option That Works For You.

RE CAPITAL ONE BANK (USA), N.A.

Dear Amy,

Congratulations! You have been pre-approved for a discount program designed to save you money. Act now to maximize your savings and put this debt behind you. Pay today at [MidlandCredit.com](http://MidlandCredit.com) or call 877-898-5125 now.

Option 1*: Payment Due Date: 3/24/2020	10% off You Pay Only \$6,320.16
Option 2**: First Payment Due Date: 3/24/2020	5% off 6 Monthly Payments of Only \$1,111.88
Option 3: Monthly Payments As Low As Call today to discuss your options and get more details.	\$50 per month

If these options don't work for you, call one of our Account Managers to help you set up a payment plan that does.

Sincerely,

*Tim Bolin*  
Division Manager

\*To take advantage of Option 1, log in to [MidlandCredit.com](http://MidlandCredit.com), choose "MAKE A PAYMENT" and follow the on-screen instructions. You may also call 877-898-5125.  
\*\*Option 2 is only available by calling 877-898-5125.

#### Benefits of Paying!

- > Save up to \$702.24
- > Offer Expiration date: 3/24/2020

[MidlandCredit.com](http://MidlandCredit.com)  
877-898-5125  
Hours of Operation  
Mon-Fri: 9am - Midnight ET  
Sat-Sun: 9am - 7:30pm ET

We are not obligated to renew any offers provided.

[MidlandCredit.com](http://MidlandCredit.com)

877-898-5125

Midland Credit Management, Inc.  
PO Box 301030  
Los Angeles, CA 90030-1030

#### PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

☐ Check here if you provided updated contact information on the reverse side.

MCM Account Number  
Current Balance \$7,022.40

Total Enclosed \$ -

Mail Payments to:  
Midland Credit Management, Inc.  
PO Box 301030  
Los Angeles, CA 90030-1030

Manage Your Account Online  
[MidlandCredit.com](http://MidlandCredit.com)

#### Important Payment Information

Make checks payable to:  
Midland Credit Management  
Enter your MCM Account # on all payments

**877-898-5125**

se habla español  
**877-898-5127**

Document Ref: WWCKE-1W4CB-QSV4U-HLZCC

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**Important Disclosure Information:**

Please understand this is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Calls to and/or from this company may be monitored or recorded.

**Basic Information**

Original Creditor	CAPITAL ONE BANK (USA), N.A.	MCM Account Number	<del>XXXXXXXXXX</del>
Original Account Number	XXXXXXXXXXXX	Charge-Off Date	10/12/2019
Current Creditor <i>The sole owner of this debt</i>	Midland Credit Management, Inc.	Current Servicer	Midland Credit Management, Inc.

**Important Contact Information**

Send Payments to: Midland Credit Management, Inc. PO Box 301030 Los Angeles, CA 90030-1030	Send disputes or an instrument tendered as full satisfaction of a debt to: Attn: Consumer Support Services 320 E Big Beaver Rd. Suite 300 Troy, MI 48083	Physical Payments for Colorado Residents: Colorado Manager, Inc. 8690 Wolff Court, Suite 110 Westminster, CO 80031 Phone (303) 920-4763
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We are required under state law to notify consumers of the following additional rights. This list does not contain a complete list of the rights consumers have under applicable law:

NMLS ID: 934164

**IF YOU LIVE IN MASSACHUSETTS, THIS APPLIES TO YOU:** NOTICE OF IMPORTANT RIGHTS: You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to MCM.

**IF YOU LIVE IN NORTH CAROLINA, THIS APPLIES TO YOU:** North Carolina Department of Insurance Permit #101659, #4182, #4250, #3777, #111895, #112039, #113170, #113236 and #112678. Midland Credit Management, Inc. 350 Camino De La Reina, Suite 100, San Diego, CA, 92108

**IF YOU LIVE IN TENNESSEE, THIS APPLIES TO YOU:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

## Signature Certificate

Document Ref.: WWCKE-IW4C8-QSVHJ-NLZCC

Document signed by:

	<b>Amy Strauss</b> Verified E-mail: yma.3974@gmail.com	
<small>IP: 72.28.15.8</small>		<small>23 Jan 2021 01:04:45 UTC</small>
		

	<b>Brett Freeman</b> Verified E-mail: brett@bankruptcypa.com	
<small>IP: 107.77.241.22</small>		<small>25 Jan 2021 14:19:11 UTC</small>
		

Document completed by all parties on:

25 Jan 2021 14:19:11 UTC

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Sabatini Freeman, LLC  
216 N. Blakely Street  
Dunmore, PA 18512



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Midland Credit Management, Inc.  
350 Camino De La Reina, Suite 100  
San Diego, CA 92108

